

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO

as representative of:

THE COMMONWEALTH OF PUERTO
RICO, THE EMPLOYEE'S RETIREMENT
SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,
AND THE PUERTO RICO PUBLIC
BUILDINGS AUTHORITY

Debtors

PROMESA

Title III

Case No. 17-bk-3283 (LTS)

(Jointly Administered)¹

NOTICE OF CONSTITUTIONAL CHALLENGE TO A STATUTE

TO THE HONORABLE COURT:

COMES NOW **Finca Matilde, Inc.** ("Finca Matilde"), a creditor in the captioned case, (hereinafter, the Debtor or the Commonwealth), by and through its undersigned counsel, states and prays as follows:

1. Pursuant to Federal Rule of Civil Procedure 5.1 (a), Finca Matilda gives Notice that its "Objection to Confirmation Seventh Plan of Adjustment" [Docket No. 18566] questions the constitutionality of the Puerto Rico Oversight, Management, and Economic Stability Act ("PROMESA") , 48 U.S.C. §2101 et seq., a federal statute, insofar

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 35(787)66-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (Bankruptcy Case No. 19 BK 5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

as the treatment of its claim for the taking of its property without just compensation, as required by the Fifth Amendment to the Constitution of the United States, is concerned.

2. This Notice has been served on the U.S. Attorney as required by Rule 5.1.

3. Finca Matilde moves the Court, pursuant to 28 U.S.C. § 2403, to certify to the Attorney General said challenge to the constitutionality of PROMESA and issue an order accordingly. A proposed order is included as an exhibit to this Notice.

WHEREFORE, Finca Matilde requests that this Honorable Court to take notice of the above provided information and to certify to the Attorney General the challenge to the constitutionality of PROMESA.

I HEREBY CERTIFY, that on this same date I electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system, which will send electronic notification to all participants. This notice was also served by mail to the U.S. Attorney as required by Rule 5.1.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 19th day of October of 2021.

ISABEL FULLANA-FRATICELLI & ASSOCS., P.S.C.

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